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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of:

Timothy W. CONNER *et al.*

Appln. No.: 09/540,234

Filed: April 3, 2000

Title: Nucleic Acid Molecules and Other Molecules Associated with Plants

Art Unit: 1631

Examiner: Shubo Zhou

Atty. Dkt. No.: 38-21(15726)B/US

Appeal No.: 2003-1073

Waiver of Hearing

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A hearing before the Board of Patent Appeals and Interferences ("Board") was filed on March 10, 2003, in the above-identified application. Applicants hereby waive attendance at this hearing, and respectfully request that the Board make its decision based on the record.

Respectfully submitted,



Thomas E. Holsten (Reg. No. 46,098)
Holly Logue Prutz (Reg. No. 47,755)
David R. Marsh (Reg. No. 41,408)

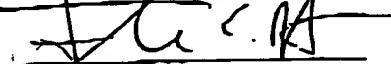
Date: July 22, 2004

Of Counsel

Lawrence M. Lavin, Jr.
(Reg. Atty. No. 30,768)
Thomas E. Kelley
(Reg. Atty. No. 29,938)
Monsanto Company

ARNOLD & PORTER LLP
555 Twelfth Street, NW
Washington, DC 20004-2402
(202) 942-5000 telephone
(202) 942-5999 facsimile

I hereby certify that the foregoing Waiver of Hearing is being transmitted to the attention of the Board of Patent Appeals and Interferences, via facsimile number (703) 308-6200, and to the U.S. Patent and Trademark Office central facsimile number (703) 872-9306.



Thomas E. Holsten (Reg. No. 46,098)

July 22, 2004
Date

ARNOLD & PORTER LLP

David R. Marsh, Ph.D.
David_Marsh@aporter.com

202.942.5068
202.942.5999 Fax

555 Twelfth Street, NW
Washington, DC 20004-1206

July 22, 2004

VIA FACSIMILE

Board of Patent Appeals and Interferences
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

Re: Waivers of Hearing

Dear Sir:

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office is a Waiver of Hearing for each of the following applications:

1. Appeal No.: Not Yet Assigned/Conf. No. 6701
Serial No. 09/267,199, filed March 12, 1999
Applicants: Barkur G. BHAT *et al.*
Title: Nucleic Acid Molecules and Other Molecules Associated with the Tocopherol Pathway
Attorney Docket No.: 16517.233
2. Appeal No.: 2003-1072
Serial No. 09/333,534, filed June 14, 1999
Applicants: Timothy W. CONNER *et al.*
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants
Attorney Docket No.: 38-21(15404)B/US
3. Appeal No.: 2003-1073
Serial No. 09/540,234, filed April 3, 2000
Applicants: Timothy W. CONNER *et al.*
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants
Attorney Docket No.: 38-21(15726)B/US
4. Appeal No.: 2003-1074
Serial No. 09/552,086, filed April 19, 2000
Applicants: Robert E. BUEHLER *et al.*
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants
Attorney Docket No.: 38-21(15760)B/US
5. Appeal No.: 2003-1666
Serial No. 09/521,640, filed March 10, 2000
Applicants: Joseph R. BYRUM *et al.*
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants
Attorney Docket No.: 16517.128

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6. Appeal No.: 2003-1939
Serial No. 09/333,535, filed June 14, 1999
Applicants: Joseph R. BYRUM *et al.*
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants
Attorney Docket No.: 16517.277
7. Appeal No.: 2004-1034
Serial No. 09/666,355, filed September 20, 2000
Applicants: Karen L. FINCHER *et al.*
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants
Attorney Docket No.: 16517.314
8. Appeal No.: 2004-1272
Serial No. 09/371,146, filed August 9, 1999
Applicants: Nordine CHEIKH *et al.*
Title: Annotated Plant Genes
Attorney Docket No.: 16517.032
9. Appeal No.: 2004-1273
Serial No. 09/637,086, filed August 11, 2000
Applicants: Karen L. FINCHER *et al.*
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants
Attorney Docket No.: 16517.285
10. Appeal No.: 2004-1275
Serial No. 09/540,235, filed April 3, 2000
Applicants: Dane K. FISHER *et al.*
Title: Nucleic Acid Sequences from Cyanidium Caldarium and Uses Thereof
Attorney Docket No.: 16517.276
11. Appeal No.: 2004-1406
Serial No. 09/553,094, filed April 18, 2000
Applicants: Scott E. ANDERSEN *et al.*
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants
Attorney Docket No.: 16517.272

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12. Appeal No. 2004-1480
Serial No. 09/732,627, filed December 8, 2000
Applicants: Karen L. FINCHER *et al.*
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants
Attorney Docket No.: 16517.281

13. Appeal No.: 2004-1725
Serial No. 09/233,218, filed January 20, 1999
Applicants: Claire A. CAJACOB *et al.*
Title: Nucleic Acid Molecules and Other Molecules Associated with the Tetrapyrrole
Pathway
Attorney Docket No.: 16517.231

14. Appeal No.: 2004-1773
Serial No. 09/421,106, filed October 15, 1999
Applicants: Joseph R. BYRUM
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants
Attorney Docket No.: 16517.142

It is respectfully requested that acknowledgement of receipt of these waivers be sent via return facsimile to the undersigned at 202-942-5999.

In the event that extensions of time are necessary to prevent abandonment of these patent applications, then such extensions of time are hereby petitioned. Appellants do not believe any additional fees are due in conjunction with these filings. However, if any fees are required in the present applications, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387, referencing docket number 16517.001.

Sincerely,



David R. Marsh (Reg. No. 41,408)

Enclosures

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ARNOLD & PORTER LLP

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202.942.5000
202.942.5999 Fax

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Fax Transmittal

July 22, 2004

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Re: Appeal Nos. 2003-1072, 2003-1073, 2003-1074, 2003-1666, 2003-1939, 2004-1034, 2004-1272,
2004-1273, 2004-1275, 2004-1406, 2004-1480, 2004-1725, 2004-1773 and
Application No. 09/267,199 (BHAT *et al.*) filed March 12, 1999 (Conf. No. 6701)

Atty. Dkt. Nos.: 38-21(15404)B/US, 38-21(15726)B/US, 38-21(15760)B/US, 16517.128,
16517.277, 16517.314, 16517.032, 16517.285, 16517.285, 16517.276,
16517.276, 16517.272, 16517.281, 16517.231, 16517.142 and 16517.233

See the attached. Please acknowledge receipt via return facsimile.

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